

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

JAMES TYLER

Plaintiff,

v.

DISTRICT OF COLUMBIA HOUSING
AUTHORITY

Defendant.

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CIVIL ACTION NO. DKC-14-453

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MEMORANDUM OPINION

On February 18, 2014, Plaintiff filed this action for unlawful employment practices by Defendant in violation of the Age Discrimination in Employment Act (“ADEA”), 29 U.S.C. §§ 621 *et seq.* The Complaint was accompanied by a Motion for Leave to Proceed In Forma Pauperis. For reasons to follow, the Complaint shall be transferred to the United States District Court for the District of Columbia. A decision on the indigency motion shall be stayed and left for review by the transferee court.

This case has no connection to the State of Maryland, with the exception of Plaintiff’s Hyattsville, Maryland residence. Defendant is located in and all alleged illegal workplace actions occurred in the District of Columbia. Venue for ADEA actions is governed by the general venue provision of § 1391 of Title 28 of the United States Code. In particular, an action under the ADEA may be brought in a judicial district where “any defendant resides” or where “a substantial part of the events ... giving rise to the claim occurred.” 28 U.S.C. § 1391(b). Because Defendant is a District of Columbia agency and the alleged workplace discrimination occurred in that District, Plaintiff’s ADEA claims are properly brought in the District of Columbia.

When a case is filed in an improper venue, 28 U.S.C. § 1406(a) allows for transfer to the proper venue rather than dismissal so as to better serve the “interests of justice.” Based on the court’s finding of improper venue in the current action, transfer will be granted under § 1406(a). *See Hipage Co., Inc. v. Access2Go, Inc.*, 589 F.Supp.2d 602, 611 (E. D. Va. 2008); *Hackos v. Sparks*, 378 F.Supp.2d 632, 634 (M.D. N.C. 2005). The case shall be transferred to the United States District Court for the District of Columbia for all further proceedings. A separate Order follows.

Date: February 24, 2014

_____/s/_____
DEBORAH K. CHASANOW
United States District Judge